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05 UNITED STATES DISTRICT COURT  
06 WESTERN DISTRICT OF WASHINGTON  
07 AT SEATTLE

08 UNITED STATES OF AMERICA, )  
09 Plaintiff, ) Case No. MJ09-398  
10 v. )  
11 BRANDINE PHILLIPS, ) DETENTION ORDER  
12 Defendant. )  
13 \_\_\_\_\_ )

14 Offense charged:

15 Count 1: POSSESSION WITH INTENT TO DISTRIBUTE MARIJUANA, in  
16 violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(B).

17 Date of Detention Hearing: August 7, 2009

18 The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
19 based upon the factual findings and statement of reasons for detention hereafter set forth,  
20 finds:

21 FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION

22 (1) Pursuant to 18 U.S.C. § 3142(e), there is a rebuttable presumption that  
23 defendant is a flight risk and a danger to the community based on the nature of the pending  
24 charges. Application of the presumption is appropriate in this case.

25 (2) Defendant has no ties to this jurisdiction.

26 (3) Statements defendant made to Pretrial Services and with Customs' Officers

are not consistent with the evidence proffered at the hearing.

(4) The evidence against the defendant, although the least important 18 U.S.C. § 3142(g) detention factor, is strong. Defendant was arrested with \$2.3 million worth of marijuana. In addition, based on the complaint, her activities are inconsistent with simply being an unknowing participant.

(5) Defendant has no incentive to appear for charges.

(6) Defendant poses a substantial risk of non-appearance.

(7) There are no conditions or combination of conditions other than detention that will reasonably ensure the appearance of the defendant.

IT IS THEREFORE ORDERED:


(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correctional facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of a court of the United States or on request of an attorney for the government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding; and

(4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Pretrial Services Officer.

DATED this 7th day of August, 2009.

  
JAMES P. DONOHUE  
United States Magistrate Judge